

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

RHONALD MARTINEZ,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:21-cv-316-JDK-JDL
	§	
FNU MEADOR, et al.,	§	
	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Rhonald Martinez filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 while he was a prisoner of the Texas Department of Criminal Justice. The case was referred to United States Magistrate John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On January 30, 2023, Judge Love issued a Report recommending that Plaintiff's civil rights lawsuit be dismissed for failure to prosecute because Plaintiff had failed to prosecute his case and to keep the Court informed of his current address. Docket No. 47. A copy of this Report was mailed to Plaintiff's last known address, but it was returned as undeliverable. Docket No. 48. Plaintiff did not file written objections and has taken no steps to prosecute this case since May 2022.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*

Servs. Auto. Ass’n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 47) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** without prejudice for failure to prosecute. All pending motions are **DENIED** as **MOOT**.

In the interests of justice, the Court hereby suspends the limitations period for Plaintiff’s claims for ninety days from entry of judgment in this case, to the extent that such claims were timely when they were originally filed in this case. *See Campbell v. Wilkinson*, 988 F.3d 798, 801 n.1 (5th Cir. 2021) (explaining that “[w]here further litigation of [a] claim will be time-barred, a dismissal without prejudice is no less severe a sanction than a dismissal with prejudice”).

So **ORDERED** and **SIGNED** this **6th** day of **March, 2023**.

A handwritten signature in black ink, appearing to read "Jeremy D. Kernodle", is written over a horizontal line.

JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE